

MINUTE ITEM NO.

APPROVED 1-15-76

MINUTE ITEM

1/15/76
RGN

1. RECONSIDERATION OF COMMISSION ACTION RELATIVE TO THE ISSUANCE OF A DREDGING PERMIT TO ANTONIO DOWRELIO; TIDE AND SUBMERGED LAND IN THE CARQUINEZ STRAIT AT CROCKETT, CONTRA COSTA COUNTY - W 9797.

During consideration of Calendar Item 1 attached, Senator John A. Nejedly appeared on behalf of Mr. Antonio Dowrelio, the applicant. The Senator's main objection was the additional royalty fee of \$0.10 per cubic yard being added to the applicant's lease. He stressed that since Mr. Dowrelio is already paying to the State over \$2,000 per year as rental for the use of the facility, the proposed additional royalty fee, for the extraction and removal of the silt, would make his operation economically unfeasible. A lengthy discussion followed during which Chairman Cory questioned whether the Commission would be setting a precedent in granting an exemption to the Commission's policy regarding the extraction of state-owned minerals.

Commissioner Bell noted he was the Acting Chairman at the October 29, 1975, State Lands Commission meeting when Mr. Dowrelio's dredging permit was approved. He stated at that time it was considered an experimental disposal project and as such did not commit the Commission to future projects. In addition, information is now available, which was not at that time, as to the applicant's operating costs and problems. Due to these reasons, he indicated his present position leans more toward permitting the dredging without charging a royalty fee. Commissioner Bell also emphasized that by acting on this application, the Commission is not committing itself toward any future actions.

Commissioner Bell moved and Commissioner Dymally seconded that the action be reconsidered and the \$0.10 per cubic yard royalty fee be eliminated based on the experimental nature of the project and the public good resulting therefrom. The Commission also instructed the staff to monitor the project for use on future applications.

The following resolution, as amended, was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS THE WORK IS MAINTENANCE DREDGING AND SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF 2 CAL. ADM. CODE 2907.

MINUTE ITEM NO. 1. (CONTD)

2. AUTHORIZES THE ISSUANCE OF A PERMIT TO ANTONIO DOWRILIO TO DREDGE 30,000 CUBIC YARDS OF MATERIAL FROM A FIVE-ACRE AREA OF TIDE AND SUBMERGED LANDS IN CARQUINEZ STRAIT AT CROCKETT, CONTRA COSTA COUNTY, SUCH AREA BEING DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND TO SPOIL SUCH DREDGE MATERIAL BY SUBAQUEOUS DISPERSAL IN THE CARQUINEZ STRAIT DOWNSTREAM FROM THE DREDGE AREA; EFFECTIVE OCTOBER 29, 1975, TO DECEMBER 31, 1976; SUCH PERMISSION TO BE CONDITIONAL TO THE REQUIREMENTS CONTAINED IN SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION PERMIT NO. M75-1, STATE WATER RESOURCES CONTROL BOARD CERTIFICATE OF CONFORMANCE NO. 75-39, AND TO THE ISSUANCE AND REQUIREMENTS THEREIN OF A PERMIT FROM THE U. S. ARMY CORPS OF ENGINEERS, AND ANY OTHER PERMITS, REQUIREMENTS OR LIMITATIONS AS SET OR AS MAY BE SET BY STATE, FEDERAL OR LOCAL GOVERNMENT.

Attachment:
Calendar Item 1 (4 pages)

CALENDAR ITEM

1/76
RGN
W 9797

1.

RECONSIDERATION OF COMMISSION ACTION RELATIVE TO
THE ISSUANCE OF A DREDGING PERMIT TO ANTONE DOWRELIO

On October 29, 1975, the Commission authorized the issuance of a permit to perform maintenance dredging on approximately five acres of tide and submerged land in the Carquinez Strait at Crockett, Contra Costa County.

Mr. Dowrelío claims economic hardship and has requested relief from the royalty required under the permit. The royalty was set at 10 cents per cubic yard for the total volume of 30,000 cubic yards. Senator John A. Nejedly has requested an opportunity to speak on the behalf of Mr. Dowrelío.

The Calendar information and resolution adopted by the Commission on October 29, 1975 follows:

APPLICANT: Antone Dowrelío
 (Dowrelío Boat Works)
 Port Street
 Crockett, California 94525.

PROPOSED DREDGING:
To perform maintenance dredging (30,000 cubic yards) on approximately five acres (described on attached Exhibit "A") of tide and submerged land in the Carquinez Strait at Crockett, Contra Costa County, in Dowrelío Boat Works Marina. Area would be dredged to previously established 3 feet MLLW depth.

SPOILS PLACEMENT:
Carquinez Strait, downstream from dredge area (West of Carquinez Bridge).

OWNERSHIP: Dredge area is a portion of State Lease PRC 2546. (for warehouse and boating facilities) held by California and Hawaiian Sugar Refining Corporation, Limited. Applicant operates under a sublease from C & H previously approved by the Commission. Spoils area is State tide and submerged land.

PURPOSE: To regain navigability in area of Dowrelío Boat Works and to determine environmental effect of subaqueous diffusion of dredge spoils (see pertinent data).

CONSIDERATION: Royalty of \$0.10 per cubic yard for removal of State-owned minerals.

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CALENDAR ITEM NO. 1. (CONTD)

ENVIRONMENTAL IMPACT CONSIDERATION:

An Environmental Impact Report is not required. This project is within the purview of 2 Cal. Adm. Code 29 7, Class 4, which exempts a maintenance dredging operation.

OTHER PERTINENT DATA:

1. In August, 1974, the applicant, in cooperation with the Marine Affairs and Navigation Conference Dredging Committee, the Dredging Contractors Association and the Corps of Engineers presented a request for approval to the California Regional Water Quality Control Board to undertake the dredging project using a subaqueous spoils discharge procedure. Considerable information is available on current dredging and spoiling techniques; however, no data has been documented on the environmental effects from dredging with subaqueous dispersal of spoils. The Committee's purpose would be to study the relative comparison of the impacts between the concentrated surface discharge of spoils and the proposed subaqueous dispersal of slurred spoils.

The proposed disposal technique, while causing relatively high localized turbidity, will minimize smothering in the disposal area when discharge occurs in currents with significant velocity.

In the proposed project, approximately 30,000 cubic yards of material would be dredged from Dowrelio's Marina using a small cutterhead suction dredge. The spoils from the dredging would be pumped through a discharge line to a point downstream from the marina (in Carquinez Strait) to a slotter diffuser section of pipe. The diffuser would be held perpendicular to the prevailing current at that point by use of anchors. This will promote maximum dispersion of spoils.

It is proposed to operate the dredge six or seven eight-hour days per week. At a dredging rate of 150 cubic yards per hour (1,200 cubic yards per day), the project would require approximately 30 days of dredging including downtime.

The Department of Fish and Game, Regional Water Quality Control Board, and the State Lands Division will monitor and evaluate all significant effects from both the dredging and the discharge through the diffuser section during and after the project. Conclusions then could be drawn to evaluate the project with respect to the environmental impacts of the technique. 12

CALENDAR ITEM NO. 1. (CONTD)

2. Permits for the project have been issued by the San Francisco Bay Conservation and Development Commission (Permit No. M75-1) and the Water Resources Control Board (Certificate No. 75-39). The required U. S. Army Corps of Engineers permit has not as yet been issued; as such, the requested permit will be made conditional to the issuance of the Corps of Engineers permit.
3. Effective period of the requested permit shall be from October 29, 1975 to December 31, 1976.
4. Applicant, Antone Dowreljo, is a naturalized citizen (Documentation approved August 18, 1975).

EXHIBITS: A. Dredge area description.
 B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS THE WORK IS MAINTENANCE DREDGING AND SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF 2 CAL. ADM. CODE, SECTION 2907.
2. AUTHORIZE THE ISSUANCE OF A PERMIT TO ANTONE DOWRELJO TO DREDGE 30,000 CUBIC YARDS OF MATERIAL FROM A FIVE-ACRE AREA OF TIDE AND SUBMERGED LANDS IN CARQUINEZ STRAIT AT CROCKETT, CONTRA COSTA COUNTY, SUCH AREA BEING DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AT A ROYALTY RATE OF \$0.10 PER CUBIC YARD, AND TO SPOIL SUCH DREDGE MATERIAL BY SUBAQUEOUS DISPERSAL IN THE CARQUINEZ STRAIT DOWNSTREAM FROM THE DREDGE AREA; EFFECTIVE OCTOBER 29, 1975, TO DECEMBER 31, 1976. SUCH PERMISSION TO BE CONDITIONAL TO THE REQUIREMENTS CONTAINED IN SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION PERMIT NO. M75-1, STATE WATER RESOURCES CONTROL BOARD CERTIFICATE OF CONFORMANCE, NO. 75-39, AND TO THE ISSUANCE AND REQUIREMENTS THEREIN OF A PERMIT FROM THE U. S. ARMY CORPS OF ENGINEERS, AND ANY OTHER PERMITS, REQUIREMENTS OR LIMITATIONS AS SET OR AS MAY BE SET BY STATE, FEDERAL OF LOCAL GOVERNMENT.

Attachment: Exhibit "A"

COMMENCING at a monument formerly set and marked by the California and Hawaiian Sugar Refining Corporation, Limited as Number 258, but since adopted by the United States Army Engineers as their Harbor Line Monument Number 33, and so marked by them on a brass plate set in the concrete filling of a six-inch pipe, and shown on that certain map entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and marked File 4, Div. 4, Sheet 6, which said Harbor Line Monument and point of commencement is located 435.28 feet north and 254.71 feet east of the corner common to Sections 31 and 32, T 3 N, R 3 W, Sections 5 and 6, T 2 N, R 3 W, MDM, said corner common to said Sections 31, 32 and 6, being marked by a point in a bronze plate set in the top of a concrete pyramid approximately 10 feet high resting on piles driven into the earth; and running thence N 83° 15' 30" W 255.96 feet to a point; thence due N 145.66 feet to a point on the United States Bulkhead Line of 1888; thence N 89° 03' 15" W along the said United States Bulkhead line of 1888, 536.35 feet to the actual point of beginning of this description which point of beginning is 617.44 feet north and 536.28 feet west of the aforesaid Section Corner common to Sections 31 and 32 -- and Sections 5 and 6 and which point of beginning is also the beginning of that certain Tide Land lease from the State of California to the Matson Navigation Company dated February 20, 1937; and running thence due North 462.81 feet to a point in the waters of Carquinez Strait located on the United States Bulkhead line as shown on the aforesaid map entitled "Harbor Lines for Carquinez Strait, California"; thence N 87° 07' 22" West along the said United States Bulkhead Line 460.80 feet; thence due south 478.35 feet to a point in the aforesaid United States Bulkhead Line of 1888; thence S 89° 03' 15" East along the said Bulkhead Line of 1888, 460.29 feet more or less to the point of beginning, and containing 4.97 acres of land more or less.

END OF DESCRIPTION